

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

TREVOR FITZGIBBON

Plaintiff,

V.

JESSELYN A. RADACK

Defendant.

Case No. 3:19-cv-477-REP

DECLARATION OF ERIC A. MORGAN

Eric Morgan states and deposes as follows, under penalty of perjury:

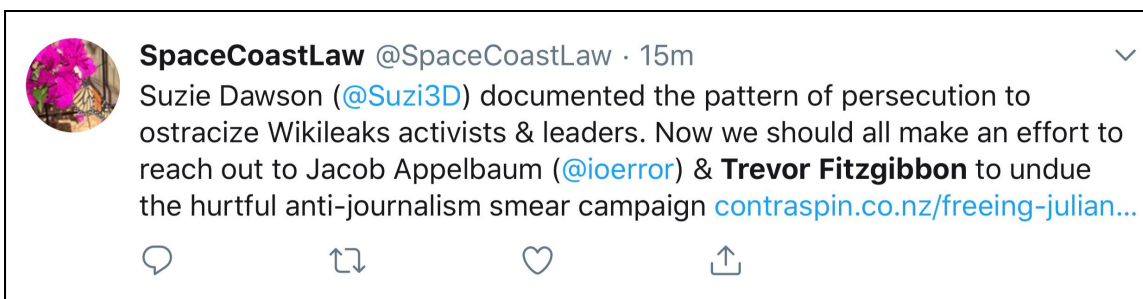
1. I am over 21 years of age and otherwise competent to make this Declaration. I have personal knowledge of the statements contained herein based upon (a) documents and information in my possession and control, including direct messages sent to me by Defendant, Jesselyn Radack, which I preserved, and (b) my direct message communications with Ms. Radack. The statements in this Declaration are true and accurate to the best of my knowledge, information and belief.

2. I am an attorney from Melbourne, Florida, near Cape Canaveral. I have my own firm, Morgan Law, P.A., with offices in Melbourne and Orange City, Florida. My practice areas include bankruptcy and foreclosure, traffic and criminal defense, and personal injury. I do not represent whistleblowers and do not defend espionage act cases. Because of my firm's proximity to the Kennedy Space Center, I have referred to myself as the "space coast lawyer". [<https://spacecoastlawyer.com/>].

3. I had a Twitter account, **@SpaceCoastLaw**, that I used for many years to post comments on matters of interest to me.

4. I do not know Jesselyn Radack. I have never spoken to her. I followed her on Twitter and have had a handful of communications with her via Twitter's direct message (private email) service. Ms. Radack first contacted me via Twitter in early 2015. She sent me a direct message, and asked me to "RT" (retweet) a message regarding one of her whistleblower clients, **@JohnKiriakou**. I did so. The next time I heard from Ms. Radack was June 8, 2019.

5. On June 8, 2019, I tweeted the following:



My tweet was a comment on an article written by Suzie Dawson about Julian Assange, Jacob Appelbaum and Trevor Fitzgibbon. The article discussed a pattern of persecution of these three (3) men, all of whom were associated with Wikileaks, all of whom had been accused of rape.

6. On June 8, 2019, I received multiple direct messages from Ms. Radack and sent several direct messages to her as well. All the direct messages identified in this Declaration are true and complete copies of the originals. The direct messages have not been altered in any way.

7. At 9:52 a.m. on June 8, 2019, I received the following unsolicited direct message from Ms. Radack:



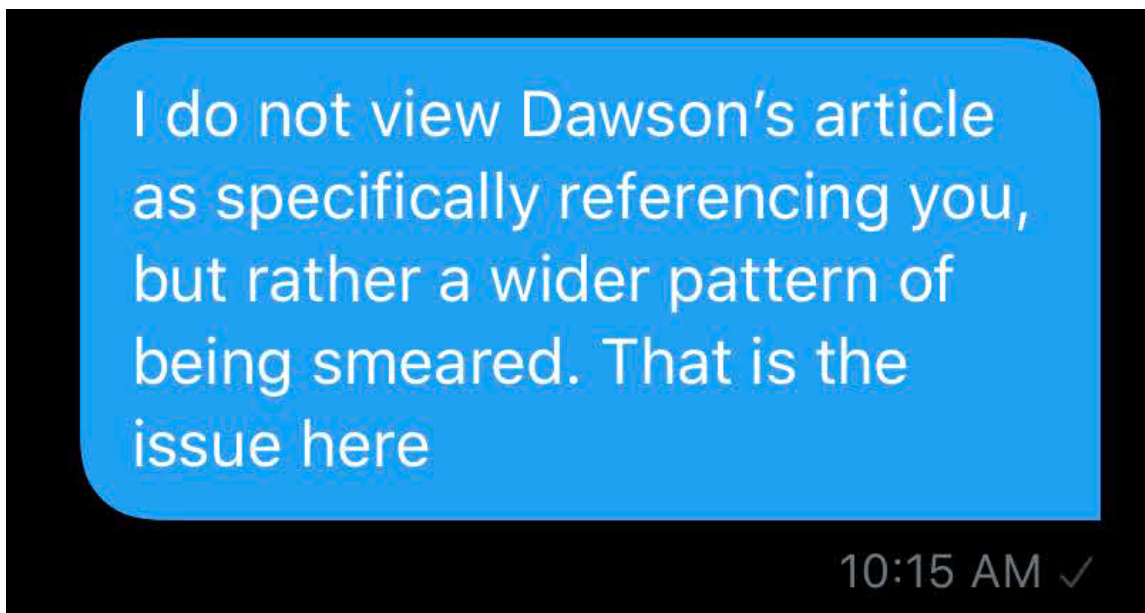
I understood Ms. Radack's direct message to be referring to my tweet and the three (3) men referenced in the tweet who I indicated deserved support. The third man on the list was Trevor Fitzgibbon.

8. I was aware that Ms. Radack and Mr. Fitzgibbon had been involved in litigation. I knew nothing about the litigation, but was aware they had settled their differences because I saw Ms. Radack's tweet that she posted on May 3, 2019:



9. At 10:12 a.m. and 10:15 a.m. on June 8, 2019, I sent Ms. Radack the following direct messages in reply to her direct message at 9:32 a.m.:

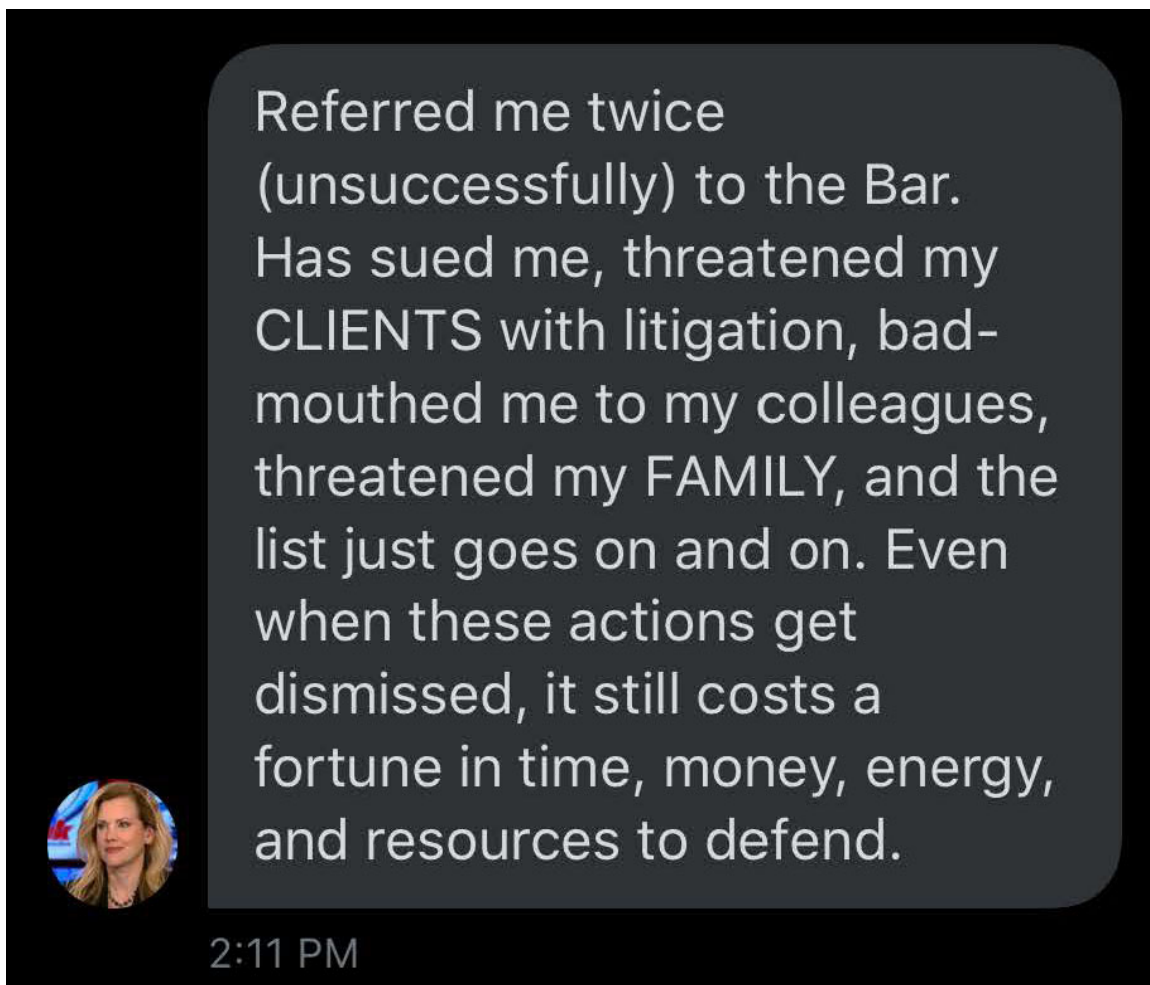




10. At 10:39 a.m. on June 8, 2019, I received the following direct message from Ms. Radack:

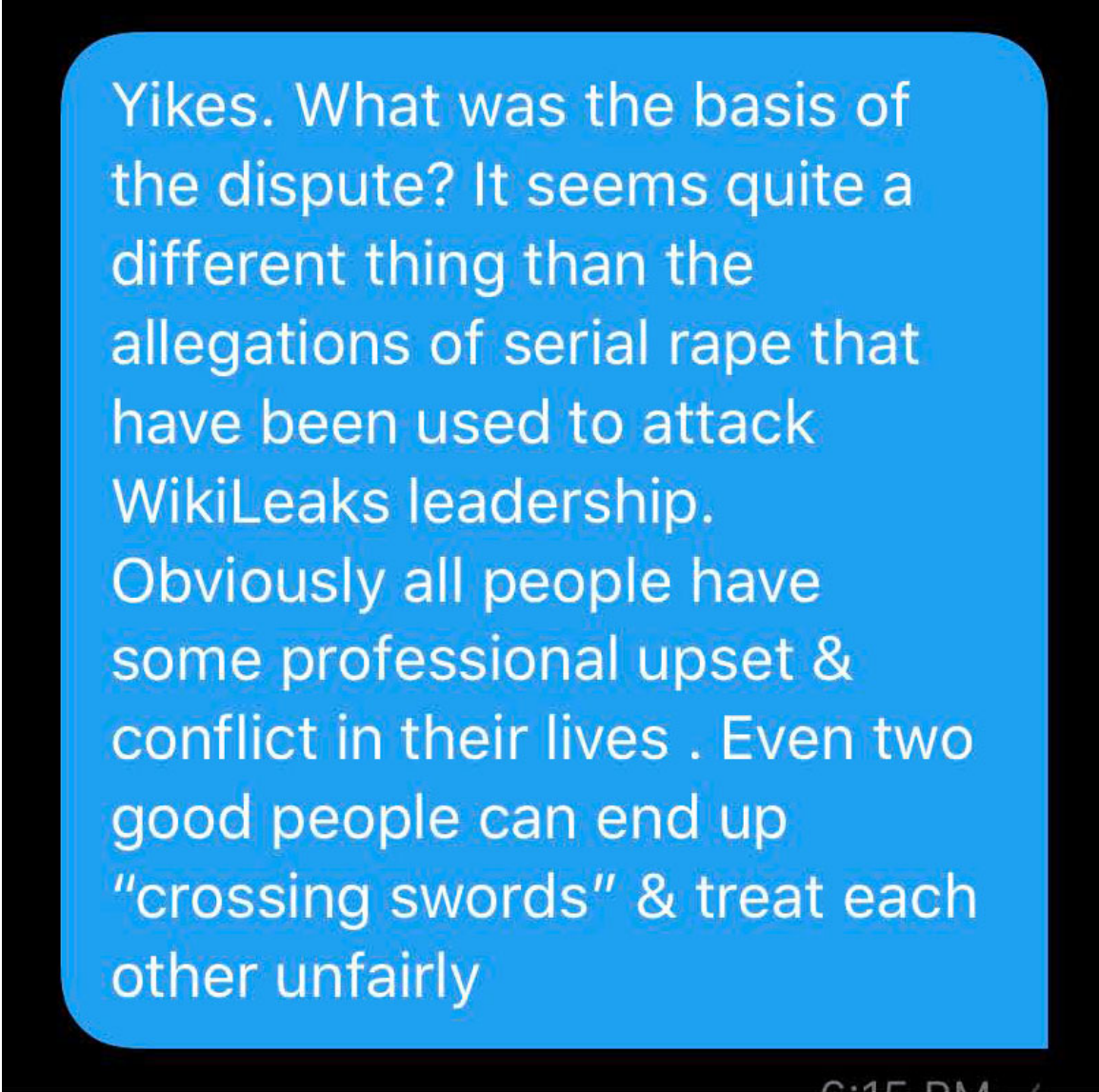


11. When I asked Ms. Radack to tell me what Mr. Fitzgibbon had done to her, I received the following direct message from Ms. Radack:



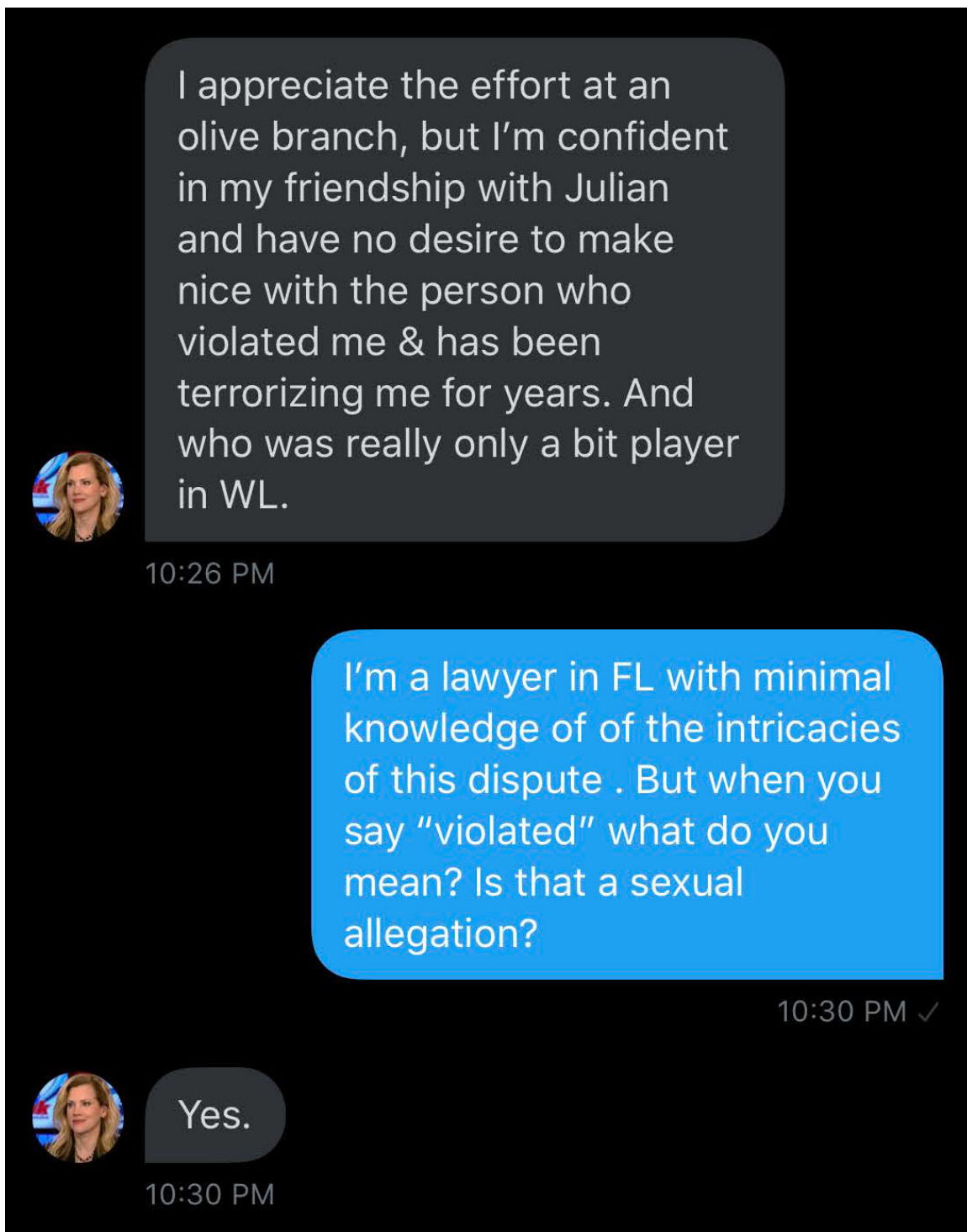
12. I was shocked by the statements that Ms. Radack made about Mr. Fitzgibbon and, quite frankly, how open she was in sharing all this information, since I did not even know her.

13. At 6:45 p.m. on June 8, 2019, I sent Ms. Radack the following direct message:



Yikes. What was the basis of the dispute? It seems quite a different thing than the allegations of serial rape that have been used to attack WikiLeaks leadership. Obviously all people have some professional upset & conflict in their lives . Even two good people can end up "crossing swords" & treat each other unfairly

14. My direct message communication with Ms. Radack continued into the evening of June 8, 2019. At one point, I offered to serve as an intermediary to perhaps help the parties. I exchanged the following direct messages with Ms. Radack at 10:26 p.m. and 10:30 p.m. on June 8, 2019:



15. When I asked Ms. Radack to explain how Mr. Fitzgibbon had sexually violated her, she directed me to a newspaper article in the Huffington Post. We then exchanged the following direct messages:



16. Ms. Radack ended the conversation and blocked me on June 8, 2019.

17. On January 16, 2020, Twitter suspended my account after I tweeted about the Democratic Debate. As a result of the suspension, my Twitter account, including my profile, is not accessible and cannot be viewed by any third parties, including Ms. Radack. A search of Twitter for “@SpaceCoastLaw” returns a notice that simply says “Account suspended”.

18. I am aware that on May 2, 2020, counsel for Mr. Fitzgibbon revealed my name, email address and contact information to counsel for Ms. Radack for ATTORNEY’S EYES ONLY subject to a Protective Order.

19. Between June 8, 2019 and May 3, 2020, I had no contact of any kind with Ms. Radack.

20. On May 3, 2020, I received the following email from Ms. Radack:

From: jesselyn radack <jar3rad@gmail.com>
Date: May 3, 2020 at 10:52:21 PM EDT
To: spacecoastlawyer@gmail.com
Subject: Random question

Hi Eric,

I hope this email finds you healthy and well during the coronacation (as my 3 kids call it).

We chatted over DMs when your Twitter handle was @SpaceCoastLaw. My client Lisa Ling asked about you today and joked that me & you are her “go-to attorneys” on Twitter. She asked if you have a new or different Twitter acct so I said I’d check.

Stay safe,
Jess Radack

21. On May 4, 2020, I received another email from Ms. Radack:

From: jesselyn radack <jar3rad@gmail.com>
Date: May 4, 2020 at 10:38:16 AM EDT
To: spacecoastlawyer@gmail.com
Subject: Friendly question

Hi Eric,

Hope you and your family are safe and healthy during this unsettling time. I think we exchanged DMs on June 8, 2019, which now appear in a defamation lawsuit, Fitzgibbon v. Radack, Case No. 3:19-cv-477-REP (EDVA 2019).

But the account you used, @SpaceCoastLaw, no longer exists so I can't verify. Can you please confirm so that my attorney (D. Margeaux Thomas) can schedule a deposition? If you prefer, you can contact her directly at mthomas@thomaslawplc.com

Thank you in advance, and sorry for interrupting your coronacation!

Best,
Jess Radack

22. I have no interest in the outcome of this dispute.

Further the affiant saith not.

In accordance with 28 U.S.C. § 1746, I declare, certify, verify, and state under penalty of perjury that the foregoing is true and correct.

Executed in Melbourne, Florida, on May 28, 2020.

/s/ 
ERIC A. MORGAN